

REMARKS

Prior to the present communication, claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 were pending in the subject application. Each of claims 1-2, 6, 8, 10-12, 15-16, 18-19, 23, 26-27, 29-32, 34, 42, 44, 46, and 50-53 has been amended and claim 49 has been cancelled herein. Thus, claims 1-6, 8-12, 15-16, 18-35, 42, 44-48, and 50-53 remain pending. It is respectfully submitted that no new matter has been added by way of the present amendments. Reconsideration of the present Application is respectfully requested in view of the above amendments and the following remarks.

Rejections under 35 U.S.C. § 103 over Osorio in view of Olson

Claims 1-6, 8-12, 15, 20, 23, 24, 26-34, 42, 44 and 50-52 were rejected under 35 U.S.C. § 103(a) as ostensibly being unpatentable over U.S. Publication No. 2004/0133390 to Osorio (hereinafter “Osorio”) in view of U.S. Patent No. 5,999,493 to Olson (hereinafter “Olson”). As a *prima facie* case of obviousness cannot be established for the rejected claims based upon the asserted references, whether alone or in combination, Applicants respectfully overcome the rejection, as hereinafter set forth.

Independent Claim 1

Independent claim 1, as currently amended, recites a method for determining and storing an assigned time zone for healthcare information for a patient. Amended independent claim 1 recites in part “executing by a computing device, a time zone source rule to determine a time zone that applies to the healthcare information based at least partially on a type of the healthcare information; [and] assigning the time zone to the healthcare information, the time zone including a patient’s time zone, a user’s time zone, a system’s time zone, or a user-entered

time zone, the time zone now an assigned time zone.” Applicants submit that Osorio and Olson do not teach or suggest these features.

In contrast, Osorio is directed to synchronization of a plurality of clocks in a medical device system that provided treatment for nervous system disorders. *Osorio* ¶ [0007]. A user or programmer generates a control message to a device to synchronize the clock in the device with one or more other clocks in the system. *Id.* at ¶ [0079]. The synchronization of the clock may take into account a time zone of the location in which the clock is located. *Id.* at ¶ [0083]. Additionally, the devices may provide an alert to a patient or attending medical personnel of an eminent medical condition; the alert can include a location of the patient as determined using a global positioning system (GPS). *Id.* at ¶ [0194].

As such, Osorio does not describe executing a time zone source rule to determine a time zone that applies to healthcare information or basing such a determination, at least partially, on a type of the healthcare information. Osorio does not describe rules for determining a time zone to be applied to healthcare information other than merely using the time zone of the location of a clock for synchronizing the clock. The time zone is used to synchronize the clock not as a data element to be associated and stored with healthcare information.

Osorio also fails to describe assigning a determined time zone to the healthcare information or storing such data, as recited by amended independent claim 1. Time zones used by Osorio are merely the time zone in which a clock is located and are simply employed for synchronization between clocks; the time zone is not associated or stored with data for the patient. No assignment of a particular time zone is necessary because the associated time zone is always that of the location of the clock. In contrast, a time zone assigned to healthcare information might be one of a number of potential time zones depending on the type of

healthcare information to which it is associated and the location of the patient, user, or system, as recited by amended independent claim 1. Also, Osorio would not have reason to store time zone data because, again, the time zone of a clock would simply be that of its location.

Olson is cited by the Office in support of Osorio. Applicants submit that Olson fails to cure the deficiencies of Osorio. Olson discloses using a radio broadcast of Coordinated Universal Time (UTC) to synchronize clocks contained in an automated external defibrillator (AED) device and in a computer system for processing 911 calls such that response times of emergency response personnel may be accurately calculated. *See Abstract of Olson*. As such, Olson fails to teach or suggest executing a time zone source rule to determine a time zone that applies to the healthcare information based, at least partially on the type of the information, as discussed previously above. Olson also fails to teach or suggest assigning such a time zone to the healthcare information or storing such data.

Independent Claims 23, 26, 42, 44, 50, 51, and 52

Amended independent claims 23, 26, 42, 44, 50, 51, and 52 recite features similar to those described above with respect to amended independent claim 1, such as assigning a time zone that applies to the healthcare information based, at least partially, on a type of the healthcare information. As such, the remarks provided above with respect to amended independent claim 1 apply equally to amended independent claims 23, 26, 42, 44, 50, 51, and 52.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness cannot be established for claims 1-6, 8-12, 15, 20, 23, 24, 26-34, 42, 44 and 50-52 in view of Osorio and Olson, either alone or in combination. As such, Applicants submit that amended independent claims 1, 23, 26, 42, 44, 50, 51, and 52 are patentable over Osorio in view of Olson. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of amended

independent claims 1, 23, 26, 42, 44, 50, 51, and 52. Amended independent claims 1, 23, 26, 42, 44, 50, 51, and 52 are believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Claims 2-6, 8-12, 15, 24, and 27-34 depend, either directly or indirectly, from one of amended independent claims 1, 23, and 26. Applicants thus respectfully submit that a *prima facie* case of obviousness cannot be established for these claims in view of Osorio and Olson, either alone or in combination, for at least the above-cited reasons. Applicants respectfully submit that dependent claims 2-6, 8-12, 15, 20, 24, and 27-34 are patentable over Osorio in view of Olson and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof. Claims 2-6, 8-12, 15, 24, and 27-34 are believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Claim 20 depends directly from amended independent claim 18, discussed below. As such, for at least the reasons provided above with respect to Osorio and Olson as well as those provided below with respect to Osorio, Olson, and Wilcox, Applicants submit that a *prima facie* case of obviousness cannot be established for claim 20 in view of Osorio, Olson, and Wilcox, either alone or in combination. Claim 20 is believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson in view of Ellis

Claims 19, 21, 35 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Osorio in view of Olson further in view of U.S. Publication No. 2004/0102931 to Ellis (hereinafter "Ellis"). Applicants respectfully submit that Ellis fails to cure the deficiencies of Osorio and Olson described above. Ellis is directed to a modular personal network that includes devices that provide a variety of functions including time, communication,

entertainment, organization, guidance, athletic, medical, travel, outdoors, identity, security, and military. *See Abstract of Ellis*. As such, Ellis, like Osorio and Olson, fails to teach or suggest assigning a time zone that applies to healthcare information based at least partially on a type of the healthcare information.

Additionally, claims 19, 21, 35, and 45 depend either directly or indirectly from amended independent claims 18, 26, and 44. Thus, Applicants respectfully submit that Osorio, Olson, and Ellis, either alone or in combination, fail to teach or suggest all of the features of dependent claims 19, 21, 35, and 45 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claims 19, 21, 35, and 45 are patentable over Osorio in view of Olson in view of Ellis and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson in view of Wilcox

Claims 16, 18, 22, 23, 46, 47, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Osorio in view of Olson further in view of U.S. Publication No. 2005/0002483 to Wilcox (hereinafter “Wilcox”). Applicants submit that independent claim 49 is canceled herein and as such, the rejection thereof is now moot. As a *prima facie* case of obviousness cannot be established for the rejected claims based upon the asserted references, whether alone or in combination, Applicants respectfully overcome the rejection, as hereinafter set forth.

Independent claims 16, 18, 23, and 46

Independent claims 16, 18, 23, and 46, as currently amended, each recite a time zone assigned to healthcare information based at least partially on the type of the healthcare information. As such the remarks provided previously with respect to amended independent

claim 1 apply equally to amended independent claims 16, 18, 23, and 46. Thus, Applicants respectfully submit that Osorio and Olson fail to teach or suggest assigning a time zone to healthcare information based on the type of the healthcare information.

Applicants also submit that Wilcox fails to cure the deficiencies of Osorio and Olson described above. Wilcox describes a system that utilizes radiologists and medical imaging facilities in disparate time zones to provide full time radiologic study of images captured at the medical imaging facilities. *Wilcox* at ¶ [0014]. As such, radiologic study is provided to a hospital twenty-four hours a day by radiologists or technicians who are working during their normal daylight hours and are thus, more likely to be at their peak performance. *Id.* Wilcox does not describe determining a time zone associated with healthcare information for a patient based on the type of the healthcare information. And Wilcox does not describe assigning a determined time zone to the healthcare information.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness cannot be established for claims 16, 18, 22, 23, 46, and 47 in view of Osorio, Olson, and Wilcox, either alone or in combination. As such, Applicants submit that amended independent claims 16, 18, 23, and 46 are patentable over Osorio in view of Olson further in view of Wilcox. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of amended independent claims 16, 18, 23, and 46. Amended independent claims 16, 18, 23, and 46 are believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Claims 22 and 47 depend, either directly or indirectly, from one of amended independent claims 18 and 46. Applicants thus respectfully submit that a *prima facie* case of obviousness cannot be established for these claims in view of Osorio, Olson, and Wilcox, either

alone or in combination, for at least the above-cited reasons. Applicants respectfully submit that dependent claims 22 and 47 are patentable over Osorio in view of Olson further in view of Wilcox and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof. Claims 22 and 47 are believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Rejection under 35 U.S.C. § 103 over Olson in view of Osorio in view of Ellis

Claims 23, 21, 35 and 45 were indicated as being rejected under 35 U.S.C. § 103(a) over Olson in view of Osorio further in view of Ellis. However, no specific rejection of these claims with respect to the indicated rejection is provided by the Office Action. And these claims are specifically rejected over one or more other references by the Office Action. As described above, Applicants assume that this indicated rejection was a typographical error.

As such, and for sake of completeness, Applicants respectfully submit that Olson, Osorio, and Ellis, either alone or in combination, fail to teach or suggest all of the features of amended independent claim 23 and claims 21, 35, and 45 which depend either directly or indirectly from amended independent claims 18, 26, and 44 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that amended independent claim 23 and claims 21, 35, and 45 are patentable over Olson in view of Osorio in view of Ellis and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Olson in view of Osorio in view of Overton

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Olson in view of Osorio further in view of U.S. Publication No. 2003/0065653 to Overton (hereinafter "Overton"). Applicants respectfully submit that Overton fails to cure the deficiencies of Olson

and Osorio described above. Overton describes a universal method for generating an index of medical records when the services are rendered and retrieving those medical records based on the index. *Overton* at ¶ [0001]. Under Overton, an index indicating patient encounters with various medical facilities is generated. *Id.* at [0200]. The index indicates the location at which the medical records for each of the patient encounters is stored. *Id.* ¶ [0201]. Thereby, a user can query the index for the medical records, identify where the medical records are stored and then contact that storage location directly. *Id.* at ¶ [0202]. Overton does not describe obtaining a stored assigned time zone that is associated with healthcare information for a patient based on the type of the healthcare information.

Claim 25 depends indirectly from amended independent claim 23. Thus, Applicants respectfully submit that Olson, Osorio, and Overton, either alone or in combination, fail to teach or suggest all of the limitations of dependent claim 25 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claim 25 is patentable over Olson in view of Osorio in view of Overton, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Wilcox in view of Overton

Claim 48 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Wilcox further in view of Overton. Claim 48 depends indirectly from amended independent claim 46. Thus, Applicants respectfully submit that Osorio, Wilcox, and Overton, either alone or in combination, fail to teach or suggest all of the features of dependent claim 48 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that

dependent claim 48 is patentable over Osorio in view of Wilcox in view of Overton, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

CONCLUSION

For at least the reasons stated above, claims 1-6, 8-12, 15-16, 18-35, 42, 44-48, and 50-53 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned—816-559-2564 or areed@shb.com (such communication via email is herein expressly granted)—to resolve the same.

The fee for a request for continued examination is submitted herewith by way of electronic payment. It is believed that no additional fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/Aaron S. Reed/

Aaron S. Reed
Reg. No. 56,116

ASR/tq
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550